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Attorneys for Plaintiffs  
 HOLOGIC, INC., CYTYC CORP.  
 and HOLOGIC L.P.

**FILED FOR SENORX, INC.**

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

HOLOGIC, INC., CYTYC CORP. and  
 HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

) Case No. C-08-0133 RMW  
 )  
 )  
 ) **STIPULATION RE CASE**  
 ) **SCHEDULE AND**  
 ) **ORDER**  
 )  
 )  
 )  
 )

1 The parties, through their counsel, hereby lodge the following proposed case  
2 management statement.

3  
4 **I. SCOPE OF ISSUES FOR RETRIAL AND DISCOVERY**

5 The only issues remaining for trial are those of invalidity and willfulness. Based upon the  
6 January 3, 2012 Case Management Conference, the parties agree to limited discovery as set forth  
7 below, and the following schedule for such discovery and for the other deadlines in this case.

8 **II. PROPOSED SCHEDULE**

9 **A. Fact Discovery**

10 On or before February 28, 2012, Hologic shall identify to SenoRx via letter all objective  
11 indicia of non-obviousness on which it intends to rely, with a brief description of the facts on  
12 which Hologic will rely to support each alleged indicator. All fact discovery shall be commenced  
13 in time to be completed by July 31, 2012. Document production shall be limited to:

- 14 • an updated production of public statements and communications to third-parties  
15 concerning the commercial performance, features, clinical performance and/or  
16 benefits of any commercial embodiment of an invention(s) of claims 1 and/or 8 the  
17 '142 patent. Documents falling within this category would include quarterly and  
18 annual reports, press releases, transcripts of investor calls, advertisements,  
19 marketing presentations, brochures, sell sheets, and correspondence with  
20 customers;
- 21 • annual sales revenue figures for any commercial embodiment of an invention(s)  
22 alleged to fall within claims 1 and/or 8 of the '142 patent;
- 23 • to the extent that Hologic intends to rely on the Hologic Mammosite® Multi-  
24 Lumen product as an embodiment of claims 1 and/or 8 of the '142 patent, Hologic  
25 shall produce documents concerning the reason(s) a Multi-Lumen product was  
26 introduced, the perceived need (or lack thereof) for such a device, the reason(s) the  
27 Multi-Lumen product was not introduced earlier, comparisons versus the Single  
28 Lumen MammoSite® product, the date of the first proposal for the Multi-Lumen

1 product, the instructions for use for the Multi-Lumen product, and the actual use of  
2 the Multi-Lumen product, including any evidence of conformance.

3 Any such production shall be completed by June 15, 2012. In addition, each side may  
4 serve one deposition notice pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure  
5 concerning documents produced pursuant to this order and/or any other discovery provided  
6 pursuant to this order. Any such deposition(s) are to be completed on or before July 31, 2012.  
7 Each party may also update its Rule 26(a) Disclosures pursuant to its obligations under the Federal  
8 Rules.

9 **B. Expert Discovery**

10 All expert discovery shall be commenced in time to be completed by October 26, 2012.  
11 Expert discovery shall be limited to the issue of objective evidence of non-obviousness. In this  
12 regard, Plaintiff may submit an expert report on the issue of objective evidence of non-obviousness  
13 on or before August 10, 2012. Defendant may submit a responsive report on or before September  
14 12, 2012. Plaintiff may submit a reply report on or before October 5, 2012. And depositions of  
15 experts on the issue of objective evidence of non-obviousness are to be completed on or before  
16 October 26, 2012.

17 **C. Dispositive Motions**

18 Dispositive motions shall be filed no later than November 16, 2012. Responsive briefs  
19 shall be filed within 35 days after service of opening briefs. Reply briefs shall be filed within 25  
20 days after service of responsive briefs. Surreplies shall not be permitted.

**D. Pre-Trial And Trial**

A pre-trial conference shall be set for Thursday, March 14, 2013. Trial shall be set for April, 44.'2013.

Respectfully submitted,

Dated: February 15, 2012

**ARNOLD & PORTER LLP**

s/ Matthew M. Wolf

Matthew M. Wolf

*Attorneys for Plaintiffs  
HOLOGIC, INC., CYTYC CORP.  
and HOLOGIC L.P.*

**WILLIAMS & CONNOLLY LLP**

s/ Bruce R. Genderson

Bruce R. Genderson

*Attorneys for Defendant SENORX, INC.*

**ATTESTATION UNDER GENERAL ORDER 45 § X.B**

As required by General Order § X.B, I hereby attest that concurrence in the filing of this document was obtained from all signatories to this Joint Case Management Statement.

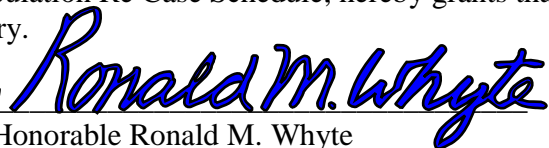
s/ Domenico L. Ippolito

Domenico L. Ippolito  
domenic.ippolito@aporter.com

**¶ ORDER**

The Court, having considered the parties' Stipulation Re Case Schedule, hereby grants that proposed schedule and limitations on discovery.  
IT IS SO ORDERED.

Dated: "O ctej '8, 2012"

  
Honorable Ronald M. Whyte  
United States District Judge